

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

NOLBERTO GONZALEZ-PABLO,

Case No. 2:25-cv-368

Petitioner,

v.

CHRISTOPHER MASON, Acting Superintendent,
South Central Regional Jail and Correctional Facility;
BRIAN MCSHANE, Acting Director of Philadelphia
Field Office, U.S. Immigration and Customs
Enforcement; **KRISTI NOEM**, Secretary of the U.S.
Department of Homeland Security; and **PAMELA
BONDI**, Attorney General of the United States,
in their official capacities,

Respondents.

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

COMES NOW Petitioner, Nolberto Gonzalez-Pablo, by and through undersigned counsel, and respectfully moves this Honorable Court to issue an Emergency Temporary Restraining Order (TRO) pursuant to Rule 65 of the Federal Rules of Civil Procedure to stay his imminent deportation currently scheduled for June 6, 2025. In support of this Motion, Petitioner states as follows:

1. Petitioner is a long-term West Virginia resident who has lived in the United States for over ten years. He is married to a U.S. citizen and is the father of two U.S. citizen daughters, one of whom is a victim of sexual abuse and is currently undergoing trauma therapy.
2. Petitioner was arrested by ICE on May 30, 2025, and is currently detained at South Central Regional Jail in Charleston, WV. He is scheduled to be transferred to Moshannon Valley Processing Center in Pennsylvania on June 6, 2025, for imminent removal on June 7, 2025.

3. Petitioner previously signed Form I-871 (Notice of Intent/Decision to Reinstate Prior Order) under duress and without adequate advisal or legal counsel. ICE has not produced any valid proof that he knowingly and voluntarily waived his right to contest the reinstatement of his prior removal order.
4. Petitioner has submitted a Stay of Removal (Form I-246) and a Prosecutorial Discretion request on June 3, 2025, both currently pending, in order to pursue available legal relief including an I-130 petition, I-601A waiver, U visa, and EOIR-42B cancellation of removal.
5. Petitioner will suffer irreparable harm if removed before these applications can be adjudicated, including permanent separation from his U.S. citizen wife and children. His removal would also cause extreme hardship by severely disrupt his daughter's ongoing trauma therapy and his wife's ability to undergo necessary medical treatment.
6. Petitioner has demonstrated a likelihood of success on the merits, as his removal under a procedurally defective reinstatement order violates his rights under the Due Process Clause of the Fifth Amendment, INA § 240, and 8 C.F.R. § 241.8.
7. The balance of equities, public interest, and humanitarian needs favor a temporary stay to allow Petitioner to present his case and protect his U.S. citizen family from extreme hardship.

WHEREFORE, Petitioner respectfully requests that this Court issue a Temporary Restraining Order enjoining Respondents from removing him from the United States pending resolution of his habeas petition.

Respectfully submitted,

s/William Wilson

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Counsel for Petitioner

Dated: June 5, 2025